

REMARKS

Favorable consideration and allowance of the claims of the present application are respectfully requested.

Claims 1-52 which are present in the above-captioned application have been subjected to a restriction under 35 U.S.C. §121 as follows¹:

- I. Claims 1-19 and 30-48, drawn to a process for making a CMOS structure, classified in Class 438, subclass 199; and
- II. Claims 20-29 and 49-52, drawn to a CMOS semiconductor device, classified in Class 438, subclass 207.

As indicated, and in order to be fully responsive to the restriction requirement imposed in the present Official Action, applicants provisionally elect, without traverse, to prosecute the subject matter of Group I, i.e., Claims 1-19 and 30-48, and reserve the right to file one or more divisional applications directed to the non-elected subject matter in this application, i.e., Claims 20-29 and 49-52.

Since Group I claims are being elected, the applicants observe that the Examiner has indicated that those claims contain the following alleged patentably distinct species:

Species I: Claims defined by the first embodiment of the invention described in Paragraphs [0053]-[0089];

Species II: Claims defined by the second embodiment of the invention described in Paragraphs [0090]-[0101]; and

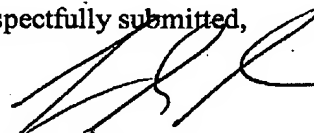
¹ Applicants observe that since Claims 20-29 are structure claims, the Restriction Requirement imposed in the present Office Action was not accurate. In order to avoid another Restriction Requirement, the applicants have removed Claims 20-29 from Group I and inserted those claims into Group II, i.e., the proper location for the structure claims.

Species III: Claims defined by the third embodiment of the invention described in Paragraphs [0102]-[0118].

In view of the foregoing, applicants hereby elect, as the single disclosed species to prosecute in this application, the method of the first embodiment of the present application. Applicants observe that Claims 1-19 read on Species I. Applicants reserve the right to have the non-elected species claims rejoined in this application upon allowance of any generic claim.

Wherefore, consideration and allowance of the claims of the present application are respectfully requested.

Respectfully submitted,



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